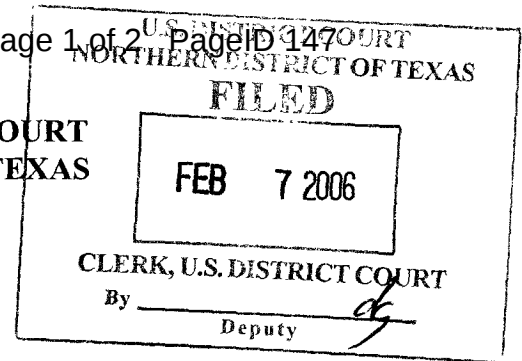


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ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



BERNARDO MEDINA, #118188,

Petitioner,

v.

**DOUGLAS DRETKE, Director
Texas Department of Criminal Justice,
Correctional Institutions Division,**

Respondent.

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Civil Action No. 3:05-CV-0881-L

ORDER

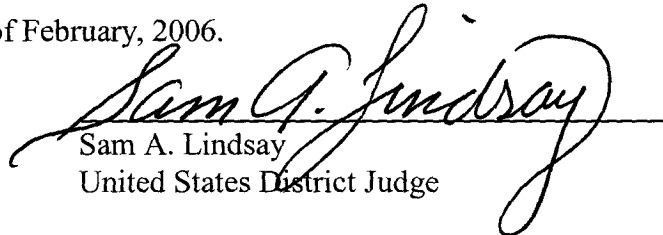
This is a habeas case brought under 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(b), and an order of the court in implementation thereof, this action was referred to the United States magistrate judge for proposed findings and recommendation. On December 14, 2005, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report") were filed. On December 29, 2005, the court granted Petitioner and extension until January 30, 2006 to file his objections. No objections have been filed.

On July 11, 2003, Petitioner pled guilty to driving while intoxicated ("DWT"). The offense was enhanced by two prior DWI convictions. Petitioner did not appeal. In his petition for writ of habeas corpus, Petitioner alleges that his guilty plea was involuntary and that he received ineffective assistance of counsel at his plea hearing. The magistrate judge determined that Petitioner's habeas application is time-barred by the one-year statute of limitations of 28 U.S.C. § 2244(d)(1). The magistrate judge also determined that the running of the limitations period was not equitably tolled

pursuant to 28 U.S.C. § 2244(d)(2). The magistrate judge recommends, therefore, that Petitioner's petition be dismissed as time-barred.

After making an independent review of the pleadings, file and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions of the magistrate judge are correct. They are therefore accepted as those of the court. Accordingly, the court **denies** Petitioner's petition for the writ of habeas corpus; and **dismisses this action with prejudice** as time-barred.

It is so ordered this 7th day of February, 2006.


Sam A. Lindsay
United States District Judge